

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MELANIE POLLIS.

Plaintiff,

V.

BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF SUSSEX et al.,

Defendants.

Civil Action No. 09-3009 (SRC)

OPINION & ORDER

CHESLER, U.S.D.J.

This matter comes before this Court on the motion for reconsideration by Plaintiff Melanie Pollis (“Pollis”), seeking reconsideration of this Court’s Opinion and Order entered on April 3, 2012. For the reasons stated below, the motion will be denied.

“A court may grant a motion for reconsideration if the moving party shows one of the following: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court issued its order; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice.” See Banda v. Burlington County, 263 Fed. Appx. 182, 183 (3d Cir. 2008) (citing Max’s Seafood Café v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999)); L. CIV. R. 7.1(i).

Pollis does not argue that any of these conditions has been met. Rather, Pollis repeats arguments made in her original motion papers. And this Court can only now repeat what it wrote in the Opinion of April 3, 2012: counsel for Plaintiff filed a declaration stating that there was no claim for failure to protect Plaintiff from cruel and unusual punishment, in violation of the

Eighth Amendment, in the Third Amended Complaint. (Opinion of April 3, 2012 at 4 n.1.) The Court relied on counsel's declaration, and was entitled to do so in reviewing the Third Amended Complaint. The motion for reconsideration will be denied.

For these reasons,

IT IS on this 24th day of May, 2012

ORDERED that Plaintiff's motion for reconsideration (Docket Entry No. 119) is
DENIED.

/s Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge